



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

DIAGNOSTIC RESEARCH

GROUP, LLC,

Plaintiff

V.

TOSHIBA AMERICA MEDICAL

SYSTEMS, INC.,

Defendant

x

X

X

X

x

x

x

U.S. District Court

Civil No. L-02-3020

Court Case No.

03-C-02-006016

Deposition of JEFFREY LOW-Volume 3

Baltimore, Maryland

Tuesday, March 25, 2003

2:30 P.M.

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Reported by: Janet A. Brown, R.P.R.



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1 A. Yes. I mean, I know that now.

2 Q. And you're -- claim you didn't know that then?

3 A. I'm claiming I don't recall if I knew that then. I  
4 don't recall seeing any-, anything, really, with Tokai  
5 Financial Services compared to in the beginning with Toshiba  
6 American Medical Credit.

7 Q. And all the documents have been lost, haven't they?

8 A. Yes.

9 Q. Are there any other reasons that, that you can  
10 think of that support your allegations in claims made in  
11 Count Two and in Paragraphs 21, 22 and 23?

12 A. I think that I didn't understand if the claim made  
13 by Toshiba American Medical Systems -- that the warranty had  
14 expired on April 9th -- why nobody in the company was ever,  
15 you know, alerted to the fact that a, we were going -- that  
16 the warranty was expiring on April 9th, and after April 9th  
17 Toshiba American Medical Systems service department continued  
18 to service the scanner, you know, without charge and without  
19 presenting at all ever with a, with a service, with a service  
20 package, knowing full well that there a lot of third-party  
21 service vendors out there, I'm sure, that, you know, that  
22 would like to get the business. And it was never mentioned,

1 so I had a tough time understanding that.

2 Well, why didn't you go hire one of those  
3 third-party service vendors to fix the machine immediately  
4 after July 5th?

5 A. I thought it was the responsibility of Toshiba  
6 American Medical Systems to fix it and to pay for it.

7 Q. Any other reasons why you didn't go out and hire a  
8 third party service vendor to repair the machine immediately  
9 after July 5th, 1999?

10 A. Mm, the facility didn't have money to go buy a new  
11 chiller at this time for a, for \$40,000.

12 Q. Well, isn't it true you represented that you were  
13 actually going to buy a new machine, anyway, and you asked  
14 that the machine be taken out of the premises?

15 A. A, I think I represented that that was a thought.  
16 I, I think at that time, July 5th, the time it took was  
17 probably ceased at the time it would take to put in another  
18 scanner and take another three or four months to do so and  
19 have the current scanner removed.

20 Relationship had already been quite tarnished  
21 because of the lack of reliability of the scanner. I think  
22 it was probably a decision made in the months following July